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NOV - 8 2006

ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

2006 NOV -9 AM 11:09

OCT 23 2006

LORETTA G. WHYTE  
CLERK

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CLERK'S OFFICE

DOCKET NO. 1657

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY  
LITIGATION**

**(SEE ATTACHED SCHEDULE)**

**CONDITIONAL TRANSFER ORDER (CTO-69)**

On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 360 F.Supp.2d 1352 (J.P.M.L. 2005). Since that time, 4,677 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

*Jeffery N. Lüthi*  
Jeffery N. Lüthi  
Clerk of the Panel

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

NOV - 8 2006

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

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Deputy Clerk, U.S. District Court  
Eastern District of Louisiana  
New Orleans, LA

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CtRmDep  
Doc. No. 8669

**SCHEDULE CTO-69 - TAG-ALONG ACTIONS**  
**DOCKET NO. 1657**  
**IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY**  
**LITIGATION**

| <u>DIST. DIV. C.A. #</u>    | <u>CASE CAPTION</u>  | <u>EDLA</u><br><u>SEC. L/3</u> |
|-----------------------------|--|--------------------------------|
| <b>ALABAMA MIDDLE</b>       |  |                                |
| <del>ALM 1 06-849</del>     | <del>Donna Harrell, et al. v. Merck &amp; Co., Inc., et al. Vacated 10/30/06</del> |                                |
| ALM 1 06-876                | Connie Singletary v. Merck & Co., Inc.   | 06-9691                        |
| ALM 2 06-865                | Lille B. Vickers v. Merck & Co., Inc.  | 06-9692                        |
| <b>ALABAMA NORTHERN</b>     |  |                                |
| ALN 2 06-1878               | Patricia Blodgett, et al. v. Merck & Co., Inc.                                     | 06-9693                        |
| ALN 2 06-1934               | Larry W. Hill, Sr., et al. v. Merck & Co., Inc.                                    | 06-9694                        |
| ALN 2 06-1935               | Juanita M. Rutherford v. Merck & Co., Inc.   | 06-9695                        |
| ALN 2 06-1937               | Joan C. Addy v. Merck & Co., Inc.  | 06-9696                        |
| ALN 2 06-1938               | Paul G. Batz, et al. v. Merck & Co., Inc.  | 06-9697                        |
| ALN 2 06-1942               | Marlin King v. Merck & Co., Inc.   | 06-9698                        |
| ALN 2 06-1953               | Rose Ellen Stewart v. Merck & Co., Inc.  | 06-9699                        |
| ALN 2 06-1954               | Billy G. Smith, Jr. v. Merck & Co., Inc.   | 06-9700                        |
| ALN 2 06-1966               | Robert Brady, et al. v. Merck & Co., Inc.  | 06-9701                        |
| ALN 3 06-1940               | Donald G. Sharp, et al. v. Merck & Co., Inc.                                       | 06-9702                        |
| <b>ALABAMA SOUTHERN</b>     |  |                                |
| ALS 1 06-593                | Roy E. Faircloth, Sr. v. Merck & Co., Inc.   | 06-9703                        |
| ALS 1 06-594                | Joy Donald v. Merck & Co., Inc.  | 06-9704                        |
| <b>ARKANSAS EASTERN</b>     |  |                                |
| ARE 4 06-1319               | Dorothy White v. Merck & Co., Inc.   | 06-9705                        |
| <b>CALIFORNIA CENTRAL</b>   |  |                                |
| CAC 2 06-6143               | Gouthami Mandava v. Merck & Co., Inc.  | 06-9706                        |
| CAC 2 06-6198               | Carmen Hill v. Merck & Co., Inc.   | 06-9707                        |
| <b>CALIFORNIA EASTERN</b>   |  |                                |
| <del>CAE 2 06-2079</del>    | <del>Freeman Herring v. Merck &amp; Co., Inc., et al. Opposed 11/8/06</del>        |                                |
| CAE 2 06-2093               | James E. Chase, et al. v. Merck & Co., Inc.  | 06-9708                        |
| CAE 2 06-2102               | Stanley Timone v. Merck & Co., Inc.  | 06-9709                        |
| CAE 2 06-2103               | Mabel Williamson, et al. v. Merck & Co., Inc.                                      | 06-9710                        |
| <b>CALIFORNIA NORTHERN</b>  |  |                                |
| CAN 3 06-5760               | Douglas J. Trammell, et al. v. Merck & Co., Inc.                                   | 06-9711                        |
| <b>DISTRICT OF COLUMBIA</b> |  |                                |
| DC 1 06-1659                | Charles E. Godfrey, et al. v. Merck & Co., Inc.                                    | 06-9712                        |
| <b>FLORIDA MIDDLE</b>       |  |                                |
| FLM 5 06-337                | Richard Wolf v. Merck & Co., Inc.  | 06-9713                        |
| FLM 5 06-355                | Chris Richardson v. Merck & Co., Inc., et al.                                      | 06-9714                        |
| FLM 8 06-1785               | Jean Little, et al. v. Merck & Co., Inc.   | 06-9715                        |
| <b>GEORGIA MIDDLE</b>       |  |                                |
| GAM 4 06-112                | Peggy Brooks v. Merck & Co., Inc.  | 06-9716                        |
| GAM 5 06-343                | Tommie Felton v. Merck & Co., Inc.   | 06-9717                        |

| <u>DIST. DIV. C.A. #</u> | <u>CASE CAPTION</u>  | <u>EDLA<br/>SEC. L/3</u> |
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| <b>GEORGIA NORTHERN</b>  |  |                          |
| GAN 1 06-2223            | William Robert Holley v. Merck & Co., Inc.                           | 06-9718                  |
| GAN 1 06-2224            | Willie Lee Sherod, etc. v. Merck & Co., Inc.                         | 06-9719                  |
| GAN 1 06-2225            | Patrick Corcoran v. Merck & Co., Inc.                                | 06-9720                  |
| GAN 1 06-2321            | Virginia R. Burr, et al. v. Merck & Co., Inc.                        | 06-9721                  |
| GAN 3 06-92              | Wanda Beth Campbell v. Merck & Co., Inc.                             | 06-9722                  |
| <b>HAWAII</b>            |  |                          |
| HI 1 06-504              | Carlos Keen, et al. v. Merck & Co., Inc.                             | 06-9723                  |
| HI 1 06-505              | Anthony Maldonado, et al. v. Merck & Co., Inc.                       | 06-9724                  |
| HI 1 06-506              | Joseph D. Barona v. Merck & Co., Inc.                                | 06-9725                  |
| HI 1 06-507              | Adriadna Mitchell v. Merck & Co., Inc.                               | 06-9726                  |
| HI 1 06-508              | Mark Johnasen, et al. v. Merck & Co., Inc.                           | 06-9727                  |
| HI 1 06-509              | Robert Okawa, et al. v. Merck & Co., Inc.                            | 06-9728                  |
| HI 1 06-521              | Pedro U. Magno, Sr., et al. v. Merck & Co., Inc.                     | 06-9729                  |
| <b>IDAHO</b>             |  |                          |
| ID 2 06-389              | Vicky Tibbetts v. Merck & Co., Inc.                                  | 06-9730                  |
| <b>ILLINOIS NORTHERN</b> |  |                          |
| ILN 1 06-5050            | Maya Yarovsky v. Merck & Co., Inc.                                   | 06-9731                  |
| ILN 1 06-5134            | Diana Stockwell, etc. v. Merck & Co., Inc.                           | 06-9732                  |
| ILN 1 06-5234            | Richard Volkman v. Merck & Co., Inc.                                 | 06-9733                  |
| ILN 1 06-5300            | Genwefa Wrobel v. Surender Lal, M.D., et al.                         | 06-9734                  |
| ILN 1 06-5301            | Nello Vittorini v. William Monaco, M.D., et al.                      | 06-9735                  |
| ILN 1 06-5302            | Mark Fiebig v. Merck & Co., Inc.                                     | 06-9736                  |
| ILN 1 06-5304            | Sandra Catuara, et al. v. Merck & Co., Inc.                          | 06-9737                  |
| <b>ILLINOIS SOUTHERN</b> |  |                          |
| ILS 3 06-737             | Charles F. Stalnaker, et al. v. Merck & Co., Inc.                    | 06-9738                  |
| ILS 3 06-745             | Richard Klene, etc. Merck & Co., Inc., et al.                        | 06-9739                  |
| <b>INDIANA NORTHERN</b>  |  |                          |
| INN 3 06-579             | Deeb Azar, et al. v. Merck & Co., Inc.                               | 06-9740                  |
| <b>KANSAS</b>            |  |                          |
| KS 2 06-2420             | Adam Susz, etc. v. Merck & Co., Inc.                                 | 06-9741                  |
| KS 5 06-4109             | John Beers v. Merck & Co., Inc.                                      | 06-9742                  |
| <b>MASSACHUSETTS</b>     |  |                          |
| MA 1 06-11667            | Eldridge Bernard, et al. v. Merck & Co., Inc.                        | 06-9743                  |
| <b>MINNESOTA</b>         |  |                          |
| MN 0 06-3794             | Nancy Ernst v. Merck & Co., Inc.                                     | 06-9744                  |
| MN 0 06-3809             | Kathlin Johnson, et al. v. Merck & Co., Inc.                         | 06-9745                  |
| MN 0 06-3842             | Ernestene Burkett v. Merck & Co., Inc.                               | 06-9746                  |
| MN 0 06-3843             | William C. Malloy v. Merck & Co., Inc.                               | 06-9747                  |
| MN 0 06-3854             | Shirley McPherson v. Merck & Co., Inc.                               | 06-9748                  |
| MN 0 06-3874             | Alan Foote v. Merck & Co., Inc.                                      | 06-9749                  |
| MN 0 06-3875             | David Lindsay, Sr., et al. v. Merck & Co., Inc.                      | 06-9750                  |
| MN 0 06-3902             | Marnie Andolina, et al. v. Merck & Co., Inc., et al.                 | 06-9751                  |
| MN 0 06-3903             | Joanne A. Carrigan, et al. v. Merck & Co., Inc., et al.              | 06-9752                  |
| MN 0 06-3904             | Charles Cox, et al. v. Merck & Co., Inc., et al.                     | 06-9753                  |
| MN 0 06-3905             | Samuel G. Barone, et al. v. Merck & Co., Inc., et al.                | 06-9754                  |
| MN 0 06-3909             | Mary D'Angelo, et al. v. Merck & Co., Inc., et al.                   | 06-9755                  |
| <b>MISSOURI EASTERN</b>  |  |                          |
| MOE 4 06-1347            | Shoena Clayton, et al. v. Merck & Co., Inc.                          | 06-9756                  |
| MOE 4 06-1372            | Forrest Lincoln, et al. v. Merck & Co., Inc., et al. Opposed 11/8/06 |                          |

DIST. DIV. C.A. #CASE CAPTIONEDLA  
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## MISSOURI WESTERN

MOW 4 06-818

Jo Levitt v. Merck &amp; Co., Inc.

06-9757

## MISSISSIPPI NORTHERN

~~MSN 1 06-265~~~~Michael A. Collier v. Merck & Co., Inc., et al. Opposed 11/8/06~~

MSN 2 06-157

Charlotte Lafayette, etc. v. Merck &amp; Co., Inc.

06-9758

MSN 4 06-155

Emma Lee Bass v. Merck &amp; Co., Inc.

06-9759

MSN 4 06-156

Mary S. Grant v. Merck &amp; Co., Inc.

06-9760

MSN 4 06-157

Estate of Cynthia Houston v. Merck &amp; Co., Inc.

06-9761

MSN 4 06-158

Estate of Lillie M. King v. Merck &amp; Co., Inc.

06-9762

MSN 4 06-159

Estate of Hattie Spain v. Merck &amp; Co., Inc.

06-9763

MSN 4 06-160

Reases Pittman v. Merck &amp; Co., Inc.

06-9764

MSN 4 06-161

Estate of Mary Frances Sheedy v. Merck &amp; Co., Inc.

06-9765

MSN 4 06-162

Bessie McIntosh v. Merck &amp; Co., Inc.

06-9766

## MISSISSIPPI SOUTHERN

MSS 3 06-528

Jessie T. Mathes, Jr., et al. v. Merck &amp; Co., Inc.

06-9767

MSS 3 06-529

Arthur Camphor, et al. v. Merck &amp; Co., Inc.

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MSS 3 06-530

Frank L. Smith, et al. v. Merck &amp; Co., Inc.

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## NEBRASKA

NE 4 06-3219

Billy B. Kehlbeck, et al. v. Merck &amp; Co., Inc.

06-9770

NE 8 06-611

Patrick J. John v. Merck &amp; Co., Inc.

06-9771

NE 8 06-612

Samual J. Johnson v. Merck &amp; Co., Inc.

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NE 8 06-613

Alfred J. Kortum v. Merck &amp; Co., Inc.

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NE 8 06-614

Stephen Krupa v. Merck &amp; Co., Inc.

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NE 8 06-615

Patrick Vaughn v. Merck &amp; Co., Inc.

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NE 8 06-616

Violet D. Hileman v. Merck &amp; Co., Inc.

06-9776

NE 8 06-617

Don Sutton, etc. v. Merck &amp; Co., Inc.

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NE 8 06-618

Ronald Evelyn v. Merck &amp; Co., Inc.

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NE 8 06-619

Virgil Freeman v. Merck &amp; Co., Inc.

06-9779

NE 8 06-620

David Schneider v. Merck &amp; Co., Inc.

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NE 8 06-621

Edward Bass v. Merck &amp; Co., Inc.

06-9781

NE 8 06-622

Ethel A. Bames v. Merck &amp; Co., Inc.

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NE 8 06-623

Joseph John Toczec v. Merck &amp; Co., Inc.

06-9783

NE 8 06-627

Hazel Sutton, etc. v. Merck &amp; Co., Inc.

06-9784

NE 8 06-628

Robin J. Martinez v. Merck &amp; Co., Inc.

06-9785

NE 8 06-629

Thomas B. Mullen v. Merck &amp; Co., Inc.

06-9786

## NEW JERSEY

NJ 3 06-4415

Steve Heusted, et al. v. Merck &amp; Co., Inc.

06-9787

## NEVADA

NV 2 06-1215

Albin Knudson v. Merck &amp; Co., Inc.

06-9788

NV 2 06-1216

Julia C. Mortell, et al. v. Merck &amp; Co., Inc.

06-9789

NV 2 06-1217

Arthur L. Sher v. Merck &amp; Co., Inc.

06-9790

NV 3 06-495

Lee Johnson, et al. v. Merck &amp; Co., Inc.

06-9791

## OHIO NORTHERN

OHN 1 06-2193

Vincent S. Zingale, Sr. v. Merck &amp; Co., Inc.

06-9792

OHN 1 06-2236

Ruby Cowan, et al. v. Merck &amp; Co., Inc.

06-9793

OHN 1 06-2237

Ben Bisaroe v. Merck &amp; Co., Inc.

06-9794

OHN 1 06-2238

Louis Horvath, et al. v. Merck &amp; Co., Inc.

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OHN 1 06-2239

Robert Neal v. Merck &amp; Co., Inc.

06-9796

OHN 1 06-2241

James Slumber, et al. v. Merck &amp; Co., Inc.

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OHN 3 06-2180

Leitha J. Loppe v. Merck &amp; Co., Inc.

06-9798

OHN 3 06-2221

Walter Scoble, et al. v. Merck &amp; Co., Inc.

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OHN 3 06-2235

Welston Nickelson, etc. v. Merck &amp; Co., Inc.

06-9800

OHN 4 06-2240

Linda Thornton v. Merck &amp; Co., Inc.

06-9801

| <u>DIST. DIV. C.A. #</u> | <u>CASE CAPTION</u>   | <u>EDLA<br/>SEC. L/3</u> |
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| OHIO SOUTHERN            |   |                          |
| OHS 2 06-774             | Marie Moore v. Merck & Co., Inc.  | 06-9802                  |
| OKLAHOMA EASTERN         |   |                          |
| OKE 6 06-374             | Homer Jones v. Merck/Vioxx Corp.  | 06-9803                  |
| OKE 6 06-386             | Howard Hess, etc. v. Merck & Co., Inc.  | 06-9804                  |
| OKLAHOMA NORTHERN        |   |                          |
| OKN 4 06-490             | Charles Tuttle v. Merck & Co., Inc.   | 06-9805                  |
| OKLAHOMA WESTERN         |   |                          |
| OKW 5 06-1004            | Deeann Marie Taylor, etc. v. Merck & Co., Inc.  | 06-9806                  |
| PENNSYLVANIA EASTERN     |   |                          |
| PAE 2 06-3872            | Lucille Paul, et al. v. Merck & Co., Inc., et al.   | 06-9807                  |
| PAE 2 06-4137            | Barbara E. Wolfe, etc. v. Merck & Co., Inc.   | 06-9808                  |
| PAE 2 06-4138            | John C. Slembariski, et al. v. Merck & Co., Inc.  | 06-9809                  |
| PAE 2 06-4139            | Deborah Heisey-Dewolf, et al. v. Merck & Co., Inc.  | 06-9810                  |
| PAE 2 06-4140            | Edwin C. Hench, et al. v. Merck & Co., Inc.   | 06-9811                  |
| PAE 2 06-4141            | Kathy Gibson, etc. v. Merck & Co., Inc.   | 06-9812                  |
| PAE 2 06-4142            | Nancy Scott, et al. v. Merck & Co., Inc.  | 06-9813                  |
| PAE 2 06-4143            | Marilyn J. Osiecki, et al. v. Merck & Co., Inc.   | 06-9814                  |
| PAE 2 06-4144            | Pedro Gonzales, Jr., et al. v. Merck & Co., Inc.  | 06-9815                  |
| PENNSYLVANIA WESTERN     |   |                          |
| PAW 2 06-1197            | Richard Craska v. Merck & Co., Inc.   | 06-9816                  |
| PAW 2 06-1246            | Rebecca Catherine Kovach, et al. v. Merck & Co., Inc.                                     | 06-9817                  |
| SOUTH DAKOTA             |   |                          |
| SD 5 06-5073             | Ronald Luers Soelzer v. Merck & Co., Inc.   | 06-9818                  |
| TEXAS EASTERN            |   |                          |
| TXE 2 06-377             | Shirley Crager, et al. v. Merck & Co., Inc.   | 06-9819                  |
| TXE 2 06-378             | E.L. Brady, Sr. et al. v. Merck & Co., Inc.   | 06-9820                  |
| TXE 2 06-379             | Joyce Arnold, et al. v. Merck & Co., Inc.   | 06-9821                  |
| TXE 2 06-380             | Glenda Grimes, et al. v. Merck & Co., Inc.  | 06-9822                  |
| TEXAS NORTHERN           |   |                          |
| TXN 2 06-246             | Sheila Dorman v. Merck & Co., Inc.  | 06-9823                  |
| TXN 3 06-1703            | Nicklett Knight v. Merck & Co., Inc.  | 06-9824                  |
| TEXAS SOUTHERN           |   |                          |
| <del>TXS 2 06-404</del>  | <del>Delia Cantu, et al. v. Merck &amp; Co., Inc., et al. Opposed 11/1/06</del>           |                          |
| <del>TXS 7 06-253</del>  | <del>Nocmi Guzman Mata v. Merck &amp; Co., Inc., et al. Opposed 11/1/06</del>             |                          |
| <del>TXS 7 06-255</del>  | <del>Maria Dolores Herrera, et al. v. Merck &amp; Co., Inc., et al. Opposed 11/1/06</del> |                          |
| TEXAS WESTERN            |   |                          |
| <del>TXW 5 06-785</del>  | <del>Richard Rodriguez, et al. v. Merck &amp; Co., Inc., et al. Opposed 11/1/06</del>     |                          |
| UTAH                     |   |                          |
| UT 2 06-761              | Francis Luton, et al. v. Merck & Co., Inc.  | 06-9825                  |
| VIRGINIA EASTERN         |   |                          |
| VAE 1 06-1036            | Jane Fitzgerald, etc. v. Merck & Co., Inc.  | 06-9826                  |